

PRIVILEGED & CONFIDENTIAL  
SOLICITOR-CLIENT COMMUNICATION

OPERATIONS AT THE -----MINE

Final Preliminary Report Prepared  
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**“Bridging Disputes of all Kinds”**  
**Dispute Resolution Services**  
**Provided in Alberta, Saskatchewan, New Mexico and Texas**  
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“Bullying causes widespread damage. Victims of bullying, called “targets” in research on the subject, suffer long-term often permanent psychological, physical, and professional harm. The experience is *crippling and devastating*. Being the target of relentless attacks at work erodes people’s self-esteem, mental performance, and emotional strength. It can lead to depression, *alcohol and drug abuse, posttraumatic stress disorder, and even suicide*. Being treated unjustly at work leads to chronic stress, high blood pressure, and increased risk of coronary heart disease. Some targets are so damaged they cannot return to work once they have escaped the bullying, even when they go to different jobs where there is no bullying.” (footnotes excluded)

--Pamela Lutgen-Sandvik, *Adult Bullying* (St Louis, MO: ORCM Academic Press, 2013), 304-305

*“Every consequence of bullying identified in the above quote has been referred to by the Interviewees in this Investigation as something they have experienced because of bullying -----”*

*--John Comrie, Managing Director, DefinitiveADR, author of this Report*

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**APPENDIX H: Bio of the author and services of DefinitiveADR**  
*Biography*

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John Comrie QC is the Managing Director of DefinitiveADR, a United States based firm providing alternative dispute resolution services throughout Canada and the United States as well as internationally.

Mr. Comrie specializes in Canadian labour mediation and arbitration. In 2014 he was appointed by the Honourable Mr. Don Morgan, Minister of Labour Relations and Workplace Safety in the Government of Saskatchewan to act as a neutral arbitrator of labour law disputes in that Province. He has been appointed by the Minister as well as union and management side lawyers to arbitrate a number of disputes involving a wide range of typical employer-union issues.

A recent award results from a case that garnered attention from a number of prominent arbitrators because of its findings and analysis of the law of innocent absenteeism, the duty to warn and how all of that is affected by current disability law, particularly that related to the disability of addiction. The award is available online here:

<http://www.canlii.org/en/sk/skla/doc/2015/2015canlii93835/2015canlii93835.html?resultIndex=5>  
The case has also led to the development of a presentation entitled “Rethinking Addiction and Canadian Disability Law: A Proposal for Problems of Workplace Addiction – the Employee Recovery Accommodation Plan or E-RAP” which was presented by Mr. Comrie to an audience of practitioners and academics at the annual general meeting of the Canadian Industrial Relations Association in June 2016. Mr. Comrie has also been appointed to arbitrate a number of other Saskatchewan labour disputes in a wide range of industrial and service sectors.

Mr. Comrie’s interest and experience in labour and employee issues includes his work as a Director of Lawyers Concerned for Lawyers, responsible for the provision of a broad range of family and individual counselling services to Saskatchewan lawyers. From 1999 to 2001 he served as the Chair of their Board of Directors. He also has significant experience doing volunteer work in Kentucky and Texas, including collegiate recovery programs.

Mr. Comrie’s background involves an early interest in politics and human rights issues on both sides of the political fence and a subsequent career as General Counsel to a large unionized public manufacturing company based originally in Western Canada but eventually in Chicago. As a result he developed a broad experience understanding and interpreting labour relations law from the perspective of both management and the union movement.

An early interest in human rights issues included a unique education pedigree because of his contact at McGill with leading intellectuals, including lectures from F.R. Scott who argued the famous *Roncarelli* case before the Supreme Court and mentorship from John Humphrey, the original draftsman of the United Nations Declaration of Human Rights, first promulgated in 1948 and the inspiration for Canada’s adoption of the World’s first state legislated protection of disability rights.

His experience on the management side, includes providing legal services to a large public company with a large unionized workforce in many provinces and states. As a lawyer licensed to practice in both Saskatchewan and Illinois, he developed a broad experience with typical labour issues in both Canada and the US. His commercial experience also includes dispute resolution between parties with other kinds of differing perspectives such as are common in international commercial transactions, construction projects and traditional civil litigation claims.

**Mr. Comrie was raised in Regina, Canada and then attended McGill University in Montreal where he graduated with a first degree in economics and then studied for a Master’s Degree in philosophy at Queen’s University and the Goethe Institute in Germany. In the early seventies he returned to McGill where he graduated in 1976 with two law degrees in English Common Law and French Civil Law, together with training in Roman law. Mr. Comrie combines his extensive commercial experience with a long standing interest in comparative law and the World’s differing legal systems. He holds the unusual distinction of being authorized to practice law in the United States and Canada holding licenses in both Illinois and Saskatchewan. In 1993 he was honoured with an appointment as Queen’s Counsel for his contribution to the Canadian legal profession.**

Mr. Comrie has also had significant alternative dispute resolution experience. He has personally managed a number of large commercial disputes including a construction claim in excess of \$160 million relating to a number of complex technical and commercial issues in a \$500 million steel mill complex and the settlement of more than 30 significant construction project and insurance claims using various alternative dispute resolution processes.

He was also active in a large number of administrative tribunal hearings related to trade policy in both Canada and the United States. He has personally conducted trade hearings before the Tariff Board of Canada, appeared as a witness in trade cases before the Canadian Import Tribunal in Canada and testified in Congress on US trade policy. His extensive experience in trade cases both

on behalf of his own company as well as his participation in US and Canadian industry cases before the International Trade Commission and the Canadian Import Tribunal included the successful direction and participation in more 15 major trade cases from 1982 to 2007 against imports of steel into the US and Canada from a number of foreign countries.

Mr. Comrie completed formal mediation training at the University of Texas law school in Austin and arbitration training at the renowned Queen Mary School of International Commercial Arbitration at the University of London. He is a Fellow of the Chartered Institute of Arbitrators in London and a past Advisory Board Member of the Institute for Transnational Arbitration in Dallas.